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June 28, 2017

VIA ELECTRONIC FILING

Chairman Ajit Pai
Commissioner Mignon Clyburn
Commissioner Michael O’Rielly
Commissioner
445 12th St. SW
Washington DC 20554

RE: Restoring Internet Freedom – WC Docket No. 17-108

Dear Chairman and Commissioners,

Cook County, Illinois thanks the Federal Communications Commission (“FCC”) for providing an opportunity to comment on the Restoring Internet Freedom Notice of Proposed Rulemaking, WC Docket No. 17-108.

Cook County is the second most populous county in the nation, serving 5.3 million people spread across 946 square miles. The County Board President is elected by the entire County and acts as the chief executive officer of the County. In this capacity, the County President appoints a Chief Information Officer (CIO) with the advice and consent of the Cook County Board. Among the CIO’s many mandates is the development of County telecommunications policy. The CIO now submits this comment to express opposition to the proposed elimination of the FCC’s open internet rules and utility-style regulation of broadband. Eliminating the 2015 rules will limit consumer access to information in contravention of the principle of free expression reflected in Article I of the Illinois Constitution and potentially harm the local economy.

Discussion

The County understands that eliminating open internet rules will afford broadband providers the opportunity to manipulate the speed and volume at which consumers access content on the internet, up to and including blocking entire websites and services. The County disagrees with the contention that allowing broadband providers to discriminate among and charge for access to internet content providers is an appropriate cost-sharing mechanism between broadband and content providers. As countless commentators have already noted, such an approach confers upon broadband providers an unacceptably expansive, discretionary power to censor free expression.ⁱ

Opponents of open internet rules have noted that internet content providers already engage in censorship, implying that extending censorship opportunities to broadband providers would not be harmful.ⁱⁱ While the County does not condone the curation of content by content providers in this manner, the County believes the market differences between broadband and content providers renders the counterpoint irrelevant.

Impartial studies have demonstrated the paucity of consumer options among broadband providers across the country, which stands in stark contrast to the manifold consumer options for internet content.ⁱⁱⁱ By overturning its open internet rules, the FCC would be conferring the right to restrict

content on a market that, by its very nature, would be incapable of addressing the diverse consumer demands that internet content providers already meet. While the County acknowledges that open internet rules alone will not completely eliminate internet censorship, it nevertheless contends that maintaining those rules is an appropriate step toward forestalling future attempts to restrict consumer access to expressive content online.^{iv}

The County is additionally concerned that the reversal of the FCC's open internet rules could interfere with local commerce by allowing broadband providers to favor large, multinational e-commerce providers over local businesses. The resulting order would provide global e-commerce companies, which can afford to pay a premium for traffic delivery, an unfair economic advantage over small and independent local e-commerce businesses that lack the capital to pay a premium for faster transport. Imposing this asymmetry on the market would accelerate the erosion of the County's local economic autonomy and interfere with the County's mandate to encourage the development of local businesses.^v

Conclusion

Should the Commission adopt the rules in the proposed order, the resulting actions of broadband providers would likely restrict County access to expressive online content and hamper local economic development. The County therefore encourages the Commission to uphold the principles embodied in the concept of universal service and refrain from eliminating its open internet rules and utility-style regulation of broadband.

Sincerely,

A handwritten signature in black ink, appearing to read "Simona Rollinson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Simona Rollinson, Chief Information Officer, Cook County, Illinois

ⁱ See, e.g., Kate Tummarello, "A Bad Broadband Market Begg for Net Neutrality Protections," *Electronic Freedom Foundation*, May 26, 2017, accessed June 20, 2017, <https://www.eff.org/deeplinks/2017/05/bad-broadband-market-begs-net-neutrality-protections>.

ⁱⁱ Scott Cleland, "Google's ad blocking exposes the company's hypocrisy on net neutrality," *The Hill*, April 21, 2017, accessed June 20, 2017, <http://thehill.com/blogs/pundits-blog/technology/329920-googles-ad-blocking-exposes-the-companys-hypocrisy-on-net>; See also Robert Epstein, "The New Censorship," *US News*, June 22, 2016, accessed June 20, 2017, <https://www.usnews.com/opinion/articles/2016-06-22/google-is-the-worlds-biggest-censor-and-its-power-must-be-regulated>

ⁱⁱⁱ NTIA, State Broadband Initiative Data (Dec. 2013)

^{iv} Robert McMillan, "What Everyone Gets Wrong in the Debate Over Net Neutrality," August 23, 2014, accessed June 20, 2017, https://www.wired.com/2014/06/net_neutrality_missing/.

^v See, e.g., Cook County Code of Ordinances, Chapter 74, Article XV